

PCT PETITION

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APR 03 2000

PTO/SB/69 (12-97)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**PETITION ROUTING SLIP**

(Find the petition from the list and check the box in the heading above the petition)

**Complete if Known**

|                               |               |
|-------------------------------|---------------|
| <b>Application Number</b>     |               |
| <b>Filing Date</b>            | SEPT 28, 1999 |
| <b>First Named Inventor</b>   | OGLESBEE      |
| <b>Group Art Unit</b>         |               |
| <b>Examiner Name</b>          |               |
| <b>Attorney Docket Number</b> | EN 10502 US   |

 **PETITIONS DECIDED BY PETITIONS OFFICE**

- 301 Relating to Public Use Proceedings (37 CFR 1.292)  
 302 To make application special - prospective manufacture (37 CFR 1.102, MPEP 708.02)  
 303 To make special - infringement (37 CFR 1.102, MPEP 108.02)  
 304 Relating to the Filing/Issuance of Divisional Reissue (37 CFR 1.177)  
 305 To waive or suspend rules (37 CFR 1.183)  
 306 To expunge a paper from patent application or patent file (37 CFR 1.59)  
 307 Withdrawal of Attorney (37 CFR 1.36)  
 308 For access to application except re proceedings before Board (37 CFR 1.14, MPEP 103,104)  
 309 Relating to Small Entity (37 CFR 1.28)  
 310 Relating to reexamination (37 CFR 1.181-1.183)  
 311 For correction of inventorship for applications - no filing date (37 CFR 1.48)  
 312 For correction of inventorship re PCT applications (37 CFR 1.48)  
 313 For filing application without one or more inventors (37 CFR 1.47)  
 314 For filing PCT application without one or more inventors (37 CFR 1.47)  
 315 For extension of time without fee in cases in Application Division (37 CFR 1.136(b))  
 399 For matters before A/C for Patents - not specified  
 408 Relating to a filing date under 35 USC 111& 37 CFR 1.53  
 411 Filing date for application filed by Express Mail (37 CFR 1.10)  
 412 Filing date for lost application  
 501 To revive an abandoned application - unavoidable delay (37 CFR 1.137(a))  
 502 To revive an abandoned application - unintentional abandonment (37 CFR 1.137(b))
- 503 To waive/suspend rules (37 CFR 1.183)  
 504 To invoke supervisory authority - re patent examining operations (37 CFR 1.181)  
 505 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)(1-4))  
 506 To withdraw from issue after payment of issue fee (37 CFR 1.313(b)) or abandon application in favor of continuing application  
 507 To enter priority papers after Issue Fee payment (37 CFR 1.55(a))  
 508 To defer issuance of patent (37 CFR 1.314)  
 515 To invoke supervisory authority - re Office of Admin. (37 CFR 1.181)  
 516 To waive/suspend rules re patent mailers in Office of Admin. (37 CFR 1.183)  
 519 To decide matters before Deputy A/C for Patents under 37 CFR 1.182  
 521 To review refusal to accept & record maintenance fee - application filed on or after 8/27/82 (37 CFR 1.377)  
 523 To issue patent in the name of the Assignee (37 CFR 1.334(c))  
 525 To withdraw a holding of abandonment (37 CFR 1.181)  
 526 To order a Commissioner-initiated Reexamination proceeding (37 CFR 1.520)  
 527 To convert Provisional Application  
 528 To reinstate abandoned Provisional Application  
 530 PCT petition-unavoidable  
 531 PCT petition-unintentional  
 532 To accept unavoidably delayed payment of maintenance fee (37 CFR 1.378 (b))  
 533 To accept unintentionally delayed payment of maintenance fee (37 CFR 1.378 (c))  
 534 Petitions related to reexamination proceedings  
 599 For matters before the Deputy A/C for Patents - not specified

 **PETITIONS DECIDED BY THE GROUP DIRECTOR**

- 601 To make application special on ground of age or health (37 CFR 1.102, MPEP 708.02)  
 602 To make special - continuity of earlier application (37 CFR 1.102, MPEP 708.02)  
 603 To make special - environment quality program (37 CFR 1.102, MPEP 708.02)  
 604 To make special - accelerated examination (37 CFR 1.102, MPEP 708.02)  
 605 To make special - Energy Program (37 CFR 1.102, MPEP 708.02)  
 606 To make special - Recombinant DNA (37 CFR 1.102, MPEP 708.02)  
 607 To make special for reasons not provided for in codes 601-606 (37 CFR 1.102, MPEP 708.02)  
 608 To reopen prosecution after Board decision (37 CFR 1.198)  
 609 For review of final restriction requirement (37 CFR 1.144)  
 610 Invoking Authority of Commissioner under 37 CFR 1.181 not specified in codes  
 611 Relating to the prematurity of final rejection (37 CFR 1.181, MPEP 706,07(c))  
 612 Relating to the refusal to enter an amendment (37 CFR 1.181 & 1.127, MPEP 714.19)  
 613 To withdraw a holding of abandonment (37 CFR 1.137, MPEP 711.03)  
 614 Relating to a requirement to cancel new matter from application (37 CFR 1.181, MPEP 608,04(c))  
 615 Relating to formal sufficiency/properity of affidavits (37 CFR 1.131, 1.132, 1.608, MPEP 715.07)  
 616 To institute an interference (37 CFR 1.606)  
 617 Relating to refusal to enter an amendment under 37 CFR 1.312
- 618 For concurrent Ex parte and Inter parte proceedings (37 CFR 1.212)  
 619 For return of original oath of patent application (MPEP 604.04(a))  
 620 For extension of time (37 CFR 1.136(b))  
 621 For interview after Notice of Allowance mailed (MPEP 713.10)  
 622 Concerning appeal application before transfer of jurisdiction to Board (MPEP 1206)  
 623 For second or subsequent suspension of action (37 CFR 1.103, MPEP 709)  
 625 To reinstate Appeals dismissed in Group  
 626 From denial of reexamination request (37 CFR 515(c))  
 627 To enter an amendment after payment of Issue Fee (37 CFR 1.312(b))  
 628 From refusal to issue a Certificate of Correction (37 CFR 1.181, MPEP 1480 -1485)  
 629 For withdrawal of attorney from application pending in group (37 CFR 1.36)  
 630 For extension of time in a reexamination (37 CFR 1.550(c))  
 631 To merge multiple reexamination proceedings (37 CFR 1.565(c), MPEP 2283)  
 632 To effect a second conversion of inventorship (37 CFR 1.48, MPEP 201.03)  
 633 Superconductivity  
 634 To correct inventorship in a patent not in interference (37 CFR 1.324, MPEP 1481)  
 635 To change inventorship in an application (37 CFR 1.48)  
 636 To change inventorship in a patent (37 CFR 1.48)  
 637 To withdraw from Issue before payment of an Issue fee (37 CFR 1.313(a))  
 699 For matters before Group Director - not specified

 **PETITIONS DECIDED BY BOARD OF PATENT APPEALS AND INTERFERENCES**

- 701 To exercise supervisory authority re action by examiner/examiner-in-chief (37 CFR 1.644)  
 702 To accept belatedly filed copies of interference settlement agreements (35 USC 135(c), 37 CFR 1.666(e))  
 703 For withdrawal of attorney in proceeding under 37 CFR 1.201 - 1.288 (37 CFR 1.36)  
 704 For access to a settlement agreement under 35 USC 135(c) (37 CFR 1.666(b))  
 705 For access to an application in proceedings before the Board (37 CFR 1.14(e))  
 706 From a refusal to issue a Certificate of Correction (37 CFR 1.322, 1.323)  
 707 To correct errors in inventorship (37 CFR 1.324)  
 708 For extension of time to file amendment under 37 CFR 1.196(b) (37 CFR 1.136)  
 709 To make an application before the Board special (37 CFR 1.102)  
 710 For extension of time to file supplemental Reply Brief (37 CFR 1.136)
- 711 To assign particular members to hearing or to request augmented panel (35 USC 7)  
 712 To decide miscellaneous questions in proceedings under 37 CFR 1.601-1.688  
 713 To accept priority papers in applications in interference (37 CFR 1.644)  
 714 To reinstate an Appeal  
 799 For matters before Chairman of Board - not specified  
 801 To make an application before the Board special (37 CFR 1.102)  
 802 To reinstate an Appeal  
 803 To extend time/suspend proceedings (37 CFR 1.196, 1.197, 1.304)  
 804 For extension of time to file supplemental Reply Brief (37 CFR 1.136)  
 805 To accept late request for an Oral Hearing (37 CFR 1.136)  
 899 For matters before the Clerk of the Board - not specified

 **PETITIONS DECIDED BY SPECIAL LAWS (SECURITY AND GOVERNMENT INTEREST MATTERS)**

- 901 Under 42 USC 2182  
 902 Under 42 USC 2457  
 903 Under 35 USC 184
- 904 Under 35 USC 267  
 905 To consider/review security or Government interest matters - not specified

 **PETITIONS DECIDED BY THE SOLICITOR**

- 951 Petitions for extension of time in court matters 35 USC 142, 145, 146  
 952 Petitions relating to ex parte questions in cases before the Court of Appeals for the Federal Circuit
- 953 Requests filed under the Freedom of Information Act  
 959 Not specified

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Serial No:*

*Reference No.:* EN10502 US

*Examiner:*

*Art Group:*

*Appn. Filed:* September 28, 1999

*Applicants:* Oglesbee, John W.

Burns, Arthur

*Title:* Supplemental Battery Overcharge Protection Device



Assistant Commissioner for Patents and Trademarks

Washington, D.C. 20231

**Petition for Corrected Filing Receipt**

Sir:

Applicants hereby petition for a corrected filing receipt. The Commissioner is hereby authorized to charge any necessary fees to Deposit Account Number 50-0304.

On September 28, 1999, Applicants deposited as Express Mail with the United States Postal Service the application for United States Patent mentioned above. Included in the mailing were: (1) Declaration for Utility Patent Application per 37 C.F.R. § 1.63, which claimed priority from two U.S. Applications and from a PCT filing listing the United States as a designate state, a copy of the PCT application; (2) copy of the 18 page PCT application, four sheets drawings; (3) Assignments of Oglesbee and Burns including Recordation Cover Sheet; (4) Return post-card. The transmittal authorized the Commissioner to charge any fees to deposit account 50-0304.

The Express Mail label, No. EL351703315US, was returned with acceptance clerk initials, indicating that the application was received. Additionally, the return post card was returned with a date stamp of September 28, 1999. Applicants note that the return postcard stamp read "430 Rec'd PCT/PTO 28 SEP 1999".

After not receiving a filing receipt, Applicants telephoned the USPTO to inquire about the status of the application. Applicants spoke with Diane Jones, tel. No. 703-308-7751. Ms. Jones was most helpful, and indicated that the application had been received by the PCT receiving office at the USPTO as a **PCT APPLICATION**, not as a **U.S. APPLICATION**. Applicants then called the File Receipt Corrections department, tel. No. 703-308-1202, and were instructed by that department to file a Petition for a Corrected Filing Receipt. Applicants thus respectfully submit this petition with a corresponding request for correction.

The Declaration was USPTO form PTO/SB/01, which is a declaration for a U.S. Utility or Design Patent Application. Additionally, the transmittal letter was directed to the USPTO and identified the submission as a United States patent application. In light of these facts, Applicants believe that the application was properly filed with the USPTO on September 28, 1999.

For all of the above reasons, Applicants respectfully request a corrected filing date with the USPTO of September 28, 1999.

To support the facts above, Applicants include with this petition copies of the application materials mentioned above, along with a copy of the returned postcard and Express Mail label.

Applicants thank the Commissioner for consideration of this petition. The Commissioner is hereby authorized to charge any necessary fees to deposit account 50-0304.

Respectfully submitted,



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